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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Third periodic reports of States parties due in 2000

Addendum

CYPRUS*

[29 June 2001]

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* For the initial report of Cyprus, see CAT/C/16/Add.2; for its consideration, see CAT/C/SR.168 and 169 and Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44), paras. 118-127.

For the second periodic report, see CAT/C/33/Add.1; for its consideration, see CAT/C/SR.301 and 302 and Official Records of the General Assembly, Fifty-third Session, Supplement No. 44 (A/53/44), paras. 42-51.

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Introduction

1. This is the third periodic report of the Republic of Cyprus submitted under article 19 of the Convention. The initial report and the second periodic report have been submitted to the Committee and were considered on 17 November 1993 and 11 November 1997 respectively.

2. In preparing this report the following were taken into consideration:

(a) The guidelines of the Committee as adopted by the Committee at its 85th meeting on 1 May 1998;

(b) The conclusion and recommendation of the Committee as adopted at its 301st and 302nd meetings on 11 November 1997;

(c) The steps taken by the Republic of Cyprus and the developments which occurred regarding the implementation of the Convention since the consideration of the second periodic report;

(d) Information on matters which remained unanswered during the consideration of the second periodic report;

(e) Contemplated future action.

3. In accordance with the guidelines, the report is divided into two parts. The first part deals with new developments, steps and measures taken during the period between the consideration of the second periodic report and the preparation of this report. The second part contains additional information requested by the Committee.

I. INFORMATION ON NEW DEVELOPMENTS AND MEASURES TAKEN IN RELATION TO THE IMPLEMENTATION OF THE CONVENTION

Developments after the submission of the Second Periodic Report

4. The following major developments occurred after the consideration of the second periodic report:

(a) The enactment of a law regarding mental health (paras. 5-11);

(b) Amendment of the Criminal Procedure Law, Cap. 155, regarding the inability to plead (paras. 12-15);

(c) Abolition of death penalty (para. 16);

(d) The enactment of a law providing for the grant of political asylum to refugees (paras. 17-19);

(e) The enactment of a new law providing for the suppression of trafficking of persons and sexual exploitation (paras. 20-27);

(f) The enactment of a new law providing for the prevention of domestic violence (paras. 28-37);

(g) The preparation and submission for consideration of a draft law providing for the protection of witnesses and victims of violence (paras. 38-43);

(h) Pre-deportation detention (para. 44);

(i) Amendment of the Cyprus Nationality Law.

The Psychiatric Treatment Law 1997

5. The Psychiatric Treatment Law 1997 (77 (I) of 1997) was enacted after the submission of the second periodic report and before its consideration by the Committee. An analysis of this law was given in an introductory statement by the senior counsel of the Republic who presented the report. For the purposes of convenience details of the new law are given.

6. The new law replaces the Mental Patients Law, Cap. 252, and is based on a completely new concept regarding the treatment of mental patients. In the old law a mental patient was treated like a criminal whereas in the new law he is treated like any other person except to the extent where compulsory treatment is necessary owing to the patient's condition rendering him dangerous to himself or to others.

7. Psychiatric treatment is provided on a voluntary basis or where the element of dangerousness exists, and in this case treatment is compulsory. However, compulsory treatment is not for an indefinite period of time and its duration is subject to judicial control; the patient may also request its termination.

8. An important institution is the establishment of a supervisory committee with multifarious functions, the most important of which is the hearing and examination of complaints in relation to the detention and treatment of patients.

9. Another important provision is the appointment of a guardian for giving the necessary consents required under the Law where the patient is not in a position to do so.

10. The patient's right to communicate with any person outside the centre while receiving compulsory treatment is safeguarded to the extent that such communication does not affect the treatment.

11. The courts are provided with a new power regarding the sentencing of persons suffering from mental disorder of the nature justifying compulsory treatment. The court may, in such a case, in lieu of any other sentence, order the compulsory treatment of the accused in a high-security centre. The old legislation did not provide such power to the court and the practice was to send the accused to prison and from there to transfer him to the mental hospital.

12. Another important provision is the obligation of the treating psychiatrist to consult the multidisciplinary professional committee whenever reports are submitted to the court for the conversion of treatment from voluntary to compulsory.

13. Moreover, another safeguard for the prevention of arbitrary treatment is the condition that before such treatment is carried out the consent of the patient or his personal representative must be secured.

14. The latest data regarding the treatment of persons suffering from mental disorder are as follows:

(a) In the mental hospital there are now (October 2000) 188 inpatients, whereas in 1980 there were 770. Out of these 188 persons 54 are mentally retarded and 30 are suffering from senility;

(b) The psychiatric wings of the general hospitals have a capacity for 46 persons;

(c) Treatment is further provided on an outpatient basis at the general hospitals.

15. Section 38 of the Psychiatric Treatment Law (77 (I) of 1997) provides for the issuance by the court of a psychiatric treatment order for convicted persons as an alternative to the other methods of punishment. The order is issued where the convicted person is suffering from severe mental disorder of such a nature and degree as to justify the detention of the person in an appropriate centre for the necessary mental treatment.

16. Unfortunately, this provision has not as yet been put into operation because of a confusing provision in the law which refers to centres for criminal mental patients and such centres have not yet been declared under the law. Steps are, however, being taken to establish such a centre, particularly in view of the fact that the policy for treating mentally disturbed persons is to treat them at special sections of general hospitals.

17. However, the establishment of special centres for mentally disturbed convicted persons may not in fact be needed because, in the first place, no distinction is made in the law between a mental patient and a criminal mental patient and convicted persons may be treated at a centre intended for persons suffering from severe mental disorder. Secondly, it is not known how many persons, if any, were considered proper subjects for the making of such an order but no order was made because of the lack of special centres.

18. The above situation is expected to be redressed soon, if necessary by the amendment of the law, thus facilitating its effective implementation whenever the need arises. However the situation regarding the treatment of prisoners suffering from mental disorder needs improvement. This was also noted by the Commissioner for Administration in an ad hoc investigation carried out at his own initiative. The visits of a psychiatrist must be more frequent and the placement of permanent nursing staff is imperative. It is expected that the situation will improve with the establishment of a special unit for the treatment of mentally disturbed prisoners. The unit will consist of one psychiatrist, one clinical psychologist and two work therapists who will receive education and training on criminology.

19. Presently there are approximately 35 persons in the prison to whom psychotropic drugs have been prescribed by the government psychiatrist.

Inability to plead

20. In 1997, section 70 of the Criminal Procedure Law, Cap. 155, was amended (Law 89 (I) 1997) so as to harmonize its provisions with the new approach regarding metal patients.

21. Section 70 of the Law deals with the procedure which is followed when the accused brought before the court is unable to follow the proceedings due to insanity. Before the amendment of this section, the court gave directions for an inquiry to be carried out as to the mental state of the accused and if the inquiry showed that the accused was indeed insane and unable to follow the proceedings, the court ordered his/her detention for an indefinite period, at the pleasure of Her Majesty when Cyprus was a colony or at the pleasure of the Council of Ministers of Cyprus after Cyprus became a republic. The inequity of this provision is obvious: a person who could have been proven innocent at trial was sent for an indefinite period to a mental hospital just because he/she could not follow the proceedings.

22. Under the new law an inquiry is not undertaken unless the court, after reviewing the statements and evidence in the hands of the prosecution, forms the opinion that there is a prima facie case against the accused. If the court is not satisfied that there is a case against the accused, it orders his/her release; in such a case, if the condition of the accused is such as to warrant compulsory treatment then the provisions of the Psychiatric Treatment Law are invoked.

23. However, if after an inquiry the accused is proved to be unable to follow the proceedings, then the case is adjourned and the accused is placed under the care of a psychiatrist for treatment until his/her condition improves to the point where he/she is able to follow the proceedings. The court may instead order the detention of the accused in a psychiatric centre for treatment for a period of time analogous to that provided by Law 77 (I) of 1997.

Abolition of the death penalty

24. The death penalty has now been abolished for all offences, with the exception of treason committed in time of war where such penalty may be pronounced by a military court as a matter of discretion.

Political asylum: the Refugees Law (6 (I)/2000)

25. The bill regarding the seeking of political asylum by refugees was enacted into law early in 2000 (6 (I) of 2000).

26. Briefly, the Law consists of six parts and it regulates:

(a) The entry of asylum-seekers in the Republic and the issue of a permit for temporary residence (Part II);

(b) The procedure for the granting of asylum (Part III);

(c) The rights and obligations of the refugees who are granted asylum;

(d) The establishment of a Refugee Authority with power to receive, consider and decide applications for recognition of the status of refugee.

27. The Authority is composed of the permanent secretaries of the Ministry of Foreign Affairs and the Ministry of Justice and Public Order. The permanent secretaries may appoint a representative from their ministry to act on their behalf for a period of three years.

The Suppression of the Traffic in Persons and of the Sexual Exploitation of Children Law of 2000 (3 (I) of 2000)

28. Under this law any act which is considered as trafficking in persons under the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is an offence, along with other similar activity specified in the Law, and a penalty of 10 years' imprisonment or a fine of £1,000 is provided. Where the victim is a person under the age of 18 the penalty is increased to 15 years' imprisonment or a fine of £15,000.

29. Section 3 defines and specifies the offences of sexual exploitation. Such offences are punishable by imprisonment of 15 years. If the offences are committed by relatives or persons exercising authority or influence on the victim, the penalty is 20 years' imprisonment.

30. Section 4 makes an offence the use of children for the production and marketing of pornographic material.

31. Under section 7, State aid is accorded within reason to victims of exploitation and involves maintenance, temporary shelter, medical care and psychiatric support.

32. Section 8 restates the right to compensation with emphasis on the power of the court to award punitive damages when the degree of exploitation or the degree of domination of the accused over the victim so warrants.

33. A foreign worker who is lawfully in Cyprus and who is the victim of exploitation may apply to the authorities for employment elsewhere for the remaining part of the period for which his original permit was granted (sect. 9).

34. Finally, the Council of Ministers may appoint under section 10 a guardian for victims whose main functions are:

(a) To advise and give guidance to victims;

(b) To hear complaints of exploitation;

(c) To provide treatment and accommodation to victims;

(d) To take all steps for the prosecution of offenders under the law;

(e) To take all steps for the rehabilitation and re-employment or repatriation of victims;

(f) To identify any weaknesses or deficiencies in the Law and make recommendations for their eradication.

35. It may be noted that the proceeds from any action constituting an offence under this Law are subject to confiscation under the relevant law (Prevention and Suppression of Money Laundering Activities Law of 1996 (61 (I) of 1996)). Moreover, the Cyprus courts have extended jurisdiction to try offences under the law whenever and by whomsoever committed.

Prevention of domestic violence

36. In 1994 a law was enacted for the prevention of violence in the family and the protection of victims. Soon after the enactment of the law certain difficulties were encountered in its implementation and a process started for its amendment. An amending bill was prepared in which there were included a number of novel provisions such as the taking of a statement from the victim by electronic means, the use of such statements as the evidence of the chief witness which is subject to cross-examination, the setting up of a fund for financial assistance to the victims and certain other measures aiming at the protection of the victims and witnesses both inside and outside the court. However, when the amending bill was sent to the House of Representatives, it was considered that it would be better, owing to the extensive amendments proposed, to prepare a new law repealing and replacing the old one. Thereafter, a new bill was prepared which was enacted into law in July 2000.

37. The new law has been completely restructured as it is divided into parts. Briefly, Part II deals with the meaning and scope of violence and Part III with the appointment of family counsellors and committees. Part IV introduces new provisions regarding the taking of statements by the use of audio-visual electronic means. Statements obtained by the use of these means may be produced in evidence without the need to examine the chief witness. Such witness is, however, available to the other side for cross-examination. Part V contains provisions for a speedy trial and for the protection of the witness from harassment or intimidation.

38. Section 17 deals with the admissibility of the evidence of a psychiatrist to whom a child patient recounts incidents of ill-treatment by any person. Such evidence, however, requires corroboration by independent evidence. This is a novel provision and one which constitutes an exception to the hearsay rule.

39. Under section 18 the court is empowered to provide protection to witnesses and victims of violence by taking their evidence in such a way as to avoid direct confrontation with the accused but without depriving the accused of his right to examine the witness. This may be achieved by the use of screens, closed circuit television links and other means producing the same effect.

40. Under section 19 the court may interfere and give directions regarding the mode of cross-examination with a view to avoiding bullying of the witness.

41. Sections 19 and 20 make the spouse a compellable witness if the victim of domestic violence is another member of the family. It is interesting to note that in an indirect way the spouse is a compellable witness even in the case where the violence is directed against the spouse and this is done in the presence of children, because in such a case the violence is deemed to be exercised against the child.

42. Sections 21-25 deal with the issue of restraining orders against the offending members of the family. These provisions were incorporated from the old law.

43. New provisions are contained in Part VII of the law regarding the establishment of a fund for the provision of assistance to victims of violence.

44. Sections 31 and 32 provide for the establishment and operation of shelters for victims. Any person harassing any person residing in a shelter commits an aggravated offence punishable with five years' imprisonment. If the harassment or intimidation of any victim of violence or of a witness in a case of domestic violence takes place elsewhere, the harassment or intimidation constitutes an offence punishable with three years' imprisonment.

45. Finally, under section 34 it is an offence for any person to disclose the identity of the victim or particulars of the offender that may lead to the identification of the victim. This is an absolute prohibition and covers practically any person who acts contrary to the provisions of the section.

Protection of witnesses

46. There is a new draft law, which will soon be laid before the House of Representatives, providing for the protection of witnesses.

47. The bill is based on ideas contained in Recommendation No. R(97)113 of the Council of Europe concerning intimidation of witnesses and the rights of the defence to a fair trial.

48. Many of the provisions contained in the law for the protection of victims of domestic violence are being carried forward to the new bill such as the taking of a statement by the use of electronic audiovisual means and the taking of evidence in court in such a way and using such means as to avoid direct confrontation of the accused and the witness, thus protecting the witness from intimidation.

49. The provisions of the new law in fact overlap with some of the provisions contained in the law on domestic violence, but this does not interfere with or affect the implementation of the two laws. Perhaps at some future time after the enactment of the law the two laws may be consolidated.

50. A provision which is new to the aforesaid bill for the protection of witnesses is the one concerning the anonymity of witnesses. The anonymity of witnesses is a very controversial

issue, but is necessary if persons are to be encouraged to testify in certain cases that expose them to danger. However, such protection should not affect the right of the accused to a fair trial. At present, it seems that the Dutch Code of Criminal Procedure contains a procedure which was tested in the Doorson judgement of the European Court of Human Rights and which was found not to be incompatible with the European Convention on Human Rights. Under the provisions of the Dutch Code a witness can be heard by the Rechter Commissaris (judicial authority in charge of the pre-trial investigation prior to the main trial) in a separate procedure during which the identity of the witness is not disclosed to the accused or his counsel. The defence is entitled to question the witness by submitting the question to the official who inquires about the credibility and reputation of the witness, and if he decides to grant anonymity the witness is excused from appearing at the trial. However, no conviction can be based solely on the statement of an anonymous witness unless it is corroborated by other evidence.

51. Cyprus follows the accusatorial system where there is a distinct separation of the functions of the prosecution, the defence and the judge, whereas it seems that in the Netherlands the system followed is the inquisitorial system where the pre-trial investigation is conducted by a quasi-judicial prosecutor. In view of this, the Dutch solution cannot be applied in Cyprus by reason of the fact that the court is the final arbiter of the credibility of the witness and of the weight of evidence, and therefore it cannot accept and rely on the findings of another official, even if he is a judicial officer. In view of this, what is proposed in the bill is a "side trial" by the trial court itself on the anonymity of a witness, following the same rules as those followed by a Rechter Commissaris. In this way the trial court would rely on its own findings and conclusion, and it seems that the strict requirement of corroboration may not be applied with such strictness as to exclude a conviction in the absence thereof. It is therefore proposed in the bill that the court may convict even without corroboration if, having considered all the evidence and having seen and evaluated the demeanour of the anonymous witness, it feels able to convict.

Pre-deportation detention

52. Under the Aliens and Immigration Law, Cap. 105, a person awaiting deportation may not be detained for a period of more than eight days unless the court authorizes detention for a longer period. This provision is under revision and a bill is pending providing for the intervention of the court regarding the duration of the period for which an alien under deportation order is to be detained. Under the proposed bill an alien arrested for the purpose of deportation is brought before the court not later than six days after his arrest and the court, if satisfied that the detention is justified, may sanction the detention for any period not exceeding three months. The court may, if not satisfied as to the reasons for the detention, order the release of the alien under such terms as the court may deem necessary for securing the attendance of the alien at a certain day, time and place for deportation.

Draft laws still pending

53. The draft law regarding the Interpretation and Implementation of International Treaties mentioned in the supplementary report has not been promoted further. However, for purposes of clarity and to avoid unnecessary confusion, when a treaty is ratified the ratifying law expressly states the articles of the treaty which are self-executing and machinery is provided for the implementation of the articles which are not self-executing.

54. The new Evidence Law is still pending before the House of Representatives. The new law would substitute the evidentiary system of Europe for the existing Anglo-Saxon system. The proposal has caused great controversy in the House and for the time being the prospects of its enactment into law are not strong.

Complaints against police for ill-treatment: special investigators appointed by the Attorney-General

55. By decision of the Council of Ministers taken on 3 October 1996, the power to appoint criminal investigators which is afforded to the Council under section 4 of the Criminal Procedure Law, Cap. 155, for the purpose of investigating the commission of criminal offences has been delegated to the Attorney-General, to be exercised in cases of written complaints submitted to him against members of the police force concerning the commission of any criminal offence. This is considered to be a welcome development as the Attorney-General is in a better position than the Council of Ministers to react swiftly to any such complaint. In any event, the Council of Ministers retains in parallel the power to appoint a criminal investigator.

56. Criminal investigators appointed as above are empowered under the Criminal Procedure Law to take signed statements from all persons whom they have reason to believe have knowledge of facts or circumstances regarding the criminal offence in relation to which the investigation is being carried out. In general, they have the same powers as a police criminal investigator has when investigating an offence.

57. Complaints as above can be submitted not only by the complainants themselves but also by lawyers representing them, or through human rights associations, journalists, or members of the House of Representatives. The ensuing instrument of appointment of investigators is communicated by the Attorney-General to the person submitting the complaint and to the Chief of Police.

58. Upon completion of the investigation, the investigator submits to the Attorney-General the file of the investigation containing the statements he has taken and any other evidential material obtained in the course of investigation. An investigation report, also prepared by the investigator and submitted with the file, gives a brief account of steps taken in the investigation and a summary of the evidence obtained, with the investigator's findings and suggestions on the basis thereof.

59. The decision whether to institute criminal proceedings is taken by the Attorney-General, in consultation with counsel from his Office, after study and evaluation of the investigation file. If a piece of evidence which the Attorney-General considers to be necessary is missing, or the case needs to be investigated further, instructions are given to the investigator concerned to pursue the matter, for example by obtaining supplementary statements, or statements from additional witnesses, or through identification parades to be conducted in pursuance of his instructions.

60. The Attorney-General's decision on the institution of criminal proceedings, is communicated to the person who has submitted the complaint, and to the Chief of Police, together with the investigator's report.

Complaints; National Institution for the Protection of Human Rights

61. Complaints of ill-treatment may now be made to the National Institution for the Protection of Human Rights which was established about two years ago. The hearing of complaints by the Institution does not affect in any way the hearing of complaints by other agencies. In particular, there is a specific provision that the investigation of complaints will only be carried out by the Institution if such investigation does not fall within the competence of the courts or of the Commissioner for Administration.

62. The Institution was established by a decision of the Council of Ministers dated 16 September 1998, but the Government may not interfere in any way in its function. It is an independent organization, as is the judiciary, the Attorney-General and the Commissioner for Administration. The appointment of the President and members of the Institution is made by the Council of Ministers, but this does not affect their independence. The reason that it was considered necessary for the Government to establish the Institution was to ensure the effective preparation of the reports submitted to the various treaty monitoring committees under the International Covenants or conventions. This function is one of the competences of the Institution. It may be mentioned that before the establishment of the Institution the reports were prepared by a team appointed by the Council of Ministers headed by the Law Commissioner. The members of the team represented government departments, the Attorney-General and the Commissioner for Administration.

63. In considering the establishment and constitution of the Institution, a balance was sought between the dependence of the Institution on the Government's financial contribution and its independence regarding the hearing of complaints of violation of human rights. This was achieved by creating two committees. One is composed of government officials and has the task of preparing the various reports and questionnaires from various agencies; the other committee is composed of representatives from the private sector covering a wide cross-section of society and has the task of hearing complaints. The President of the Institution is the Law Commissioner and the President of the complaints committee is a practising lawyer of long standing. The reports which are prepared by the committee composed of government officials are distributed to all the members of the Institution for their views and in this way the impartiality of the statements contained therein is ensured.

64. The Institution, apart from the preparation of the various reports, also makes recommendations for the harmonization of the law with the provisions of the various conventions. It must further be stressed that the Institution does not simply make recommendations; these are formulated into draft laws which are discussed at meetings headed by the Law Commissioner which, when finalized, are submitted by the ministry which participates in the deliberations to the Council of Ministers for approval and thereafter to the House of Representatives for enactment. It may be mentioned that the Laws for Psychiatric Treatment, for the amendment of section 70 of the Criminal Procedure Law, for the Protection of Victims of Violence in the Family and of Victims of Sexual Exploitation, and the new legislation regarding Civil Debts, were initiated and promoted by the Institution.

65. The Institution has received so far a total of 38 complaints of alleged violation of human rights. The written complaints, if they are made against public officials, are sent to the

Commissioner for Administration to decide whether they fall within her competence and if so, she proceeds to investigate them. If the complaints are made orally, the secretary of the Institution writes them down and then they are sent to the Commissioner for Administration for processing. The Institution also arranges for the taking of complaints from persons under detention. Most of the complaints received by the Institution proved to be outside its competence and those few which were within its competence were civil disputes which could only be dealt with in a court of law. Some complaints were unfounded, but a sympathetic approach was adopted for placating the distressed complainants (one of them was labouring under the illusion of persecution). In another case, a labourer working in a private enterprise was feeling "oppressed" by the foreman. The Institution requested the employer to look into the complaint and show understanding, and the employer, to his credit, acceded to the request.

66. For purposes of clarification, the Institution has competence where the complaint is against a person in the private sector and this is the area where the Commissioner for Administration has no jurisdiction.

67. It should be clarified that the Institution also organizes lectures and prepares publications promoting the awareness of the public regarding human rights. In particular, two seminars were organized for educators regarding the teaching of human rights as a subject in schools of secondary education. Similar seminars are being planned for elementary education teachers. Moreover, a handbook regarding human rights in Cyprus and how they are safeguarded was prepared and is distributed free of charge. Also, the main conventions were published in two volumes and an index of all the conventions regarding human rights in force in Cyprus was also prepared.

Commissioner for Administration

68. The Commissioner for Administration is now an entrenched institution which functions smoothly and efficiently and provides an important safeguard for the respect of human rights. Every year more and more people resort to the Commissioner for their complaints against maladministration. It may be said without any degree of exaggeration that the foreigners residing and working in Cyprus found in the institution a guardian of their rights and a protector for unjust treatment, particularly regarding their expulsion from the island. Although the findings of the Commissioner are not enforceable, yet they carry considerable weight and sometimes they may even lead to amendments of the law.

69. The Commissioner could not conduct an investigation on her own motion until early in 2000 when the law was amended and such investigation may now be carried out. The Commissioner exercising this new power carried out an investigation as to the conditions of detention and treatment of prisoners suffering from mental disorder. The findings are under consideration for remedying the situation.

70. During the last five years a large number of complaints for violation of human rights were dealt with. In particular, for the years 1996 to 2000 inclusive a total of 398 complaints were dealt with out of which 299 were complaints against the police. In 1996 there were 45 cases, in 1997: 71, in 1998: 56, in 1999: 60 and in 2000: 67.

Police and ill-treatment: a new approach

71. Regarding the conduct of police officers towards suspects and the respect of the suspects' rights, the following measures are being taken:

(a) During the initial and in-service training, police officers are educated and trained in the use of modern investigation techniques. They are instructed to interrogate and take statements from suspects according to the "Judges' Rules" which are directives issued by the Home Office of the United Kingdom and are applicable in Cyprus by an express provision in the Criminal Procedure Law, Cap. 155 (sect. 8);

(b) Circular letters are sent by the Chief of Police to all police commanders and departments and units calling upon them to respect the rights of the suspects during their interrogation;

(c) The Police Academy lays great emphasis on lectures and courses concerning the respect and protection of human rights. These lectures are given by university professors, the Attorney-General, law officers and qualified senior police officers.

72. In the years 1997-2000 there was a total of 41 complaints against members of the police force for using violence. Out of the 41 cases only 32 involved actual use of physical violence. In 1999 only four such cases were reported. However, the reduction in the number of complaints may be susceptible to a dual interpretation: a positive interpretation that there were no complaints because there were no incidents of ill-treatment, and a negative interpretation that there were incidents but they were not reported out of fear. However, the reduction in the number of the complaints in 1999 is an encouraging indication and may accept a positive interpretation because people can now make a complaint freely to independent officers and agencies and in fact, as may be noted from the data provided by the Office of the Commissioner for Administration, people are taking full advantage of the services and function of the Commissioner.

73. The police, in an effort to change old attitudes and practices and to adopt new ones, the main one being the respect of human rights in the execution of police duty, established in 1998 a Human Rights Office. This office is headed by a Chief Superintendent of Police and receives monthly statistical data from all police divisions regarding information of any complaints of ill-treatment.

74. Also in an attempt to increase sensitivity in the field of human rights, great emphasis has been placed on lectures and specialized courses given at the Police Academy regarding the respect and protection of human rights. These lectures continue to be given by university professors, by the Attorney-General of the Republic himself and other members of his Office and by qualified senior police officers. Similar lectures are also given in all regional police departments.

75. It is further to be noted that during basic and advanced training, police officers are given lectures and are trained in modern investigation techniques. They are also instructed to interrogate and obtain statements from suspects according to the provisions of the Criminal Procedure Law, Cap. 155, and the Judges' Rules.

Programme for judges

76. The Supreme Court in 1999 established a programme for the training of judges of first instance in various fields of the law and matters relevant to broadening the perspective in the administration of justice. The subjects of training include, amongst others:

(a) Human rights with particular reference to Cyprus case-law and the European Court of Human Rights case-law;

(b) European law, with particular reference to international conventions;

(c) The conduct of judges, with emphasis on the psychology of witnesses and advocates, rules of etiquette towards the public and advocates and the study of various social phenomena;

(d) The training of Family Court judges on matters relating to dealing with children and social matters relating to personal status.

II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE

77. All the information requested by the Committee was included in Part I because it was closely connected with the topics falling therein.

78. Going through the short list of subjects of concern and the recommendations made by the Committee, reference will be made to the relevant paragraphs in Part I dealing with the topics of concern.

79. The incidents of ill-treatment by the police are dealt with in paragraphs 71 to 75. It is to be noted that serious genuine efforts are being made to change old attitudes towards interrogations and it is hoped that the situation will improve even further.

80. Reference is further made to paragraph 76 of the report regarding the training of judges.

Conclusion

81. Cyprus is particularly sensitive in relation to the respect of human rights because the rights of the people of Cyprus have been and still are flagrantly violated by the invading forces that are occupying a major part of the island.

82. Moreover, the educational, cultural and economic standard of the people in Cyprus is so high as to make them intolerant to any act that violates human rights, particularly the rights to life and personal integrity. It may be stressed that the mass media and the House of Representatives are so sensitive that they would not let any case of serious violation of human rights which comes to their attention be ignored without any comment or investigation.

83. It is by no means suggested that Cyprus is an exemplary case of absolute respect of human rights. Undoubtedly, there is room for improvement in many areas but efforts are continuously being made to remedy the situation in these areas, and this is evident from the number of laws and arrangements that have been made in this respect during the last six years.